

# INFORMATION SHEET

## DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM US SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY vs. US ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: US Army Corps of Engineers, Sacramento District  
Corps FILE NUMBER: 200400818

REGULATORY PROJECT MANAGER: Richard Gebhart DATE: January 31, 2006

PROJECT REVIEW/DETERMINATION COMPLETED IN THE OFFICE Date: 31 Jan 2006

### PROJECT LOCATION INFORMATION:

State: Nevada

County: Washoe

Approximate size of site/property (including uplands & in acres): This is a long linear project where area measurement is not practical.

Name of waterway or watershed: Unnamed Tributaries, North Fork Dry Valley Creek, Dry Valley Creek, and adjacent and isolated wetlands

### SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash	0.94								
Mudflat									
Sandflat									
Wetlands	0.175								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other Water (identify type)									
<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.									

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown (Use Best Professional Judgement)		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			✓		
Is or would be used as habitat by other migratory birds that cross state lines?			✓		
Is or would be used as habitat for endangered species?				✓	
Is used to irrigate crops sold in interstate commerce?				✓	
<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

TYPE OF DETERMINATION: Approved

ADDITIONAL INFORMATION SUPPORTING NJD, *e.g.*, paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite: This long, for establishing an interstate commerce connection. Nearly all of these tributaries stop well short, often miles, from their ultimate receiving playa. Water that may flow down the tributaries fail to reach their "destination" because in-channel water evapotranspires or infiltrates before it reaches the receiving water. Of the handful that are potentially jurisdictional, only one or two tributaries (North Fork Dry Valley Creek and, to a lesser extent, Dry Valley Creek) could reach the California state line and be classified as an interstate water. Several other ephemeral swales could, but not reasonably so, be a tributary to one of these two creeks. Although identified on field surveys, none were followed to their potential receiving water and, thus, a connecting bed and bank was not established, but only presumed.